



General Assembly

Distr.: General
24 February 2016

English only

Human Rights Council

Thirty-first session

Agenda item 3

Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development

Written statement* submitted by Human Rights Advocates Inc., a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in
accordance with Economic and Social Council resolution 1996/31.

[11 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-02911(E)



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The Right to Food Undermined by Threats to Indigenous Peoples' Land Security by REDD+ and Agro-Industrial Practices

I. Introduction

The right to food, as originally established in the Universal Declaration on Human Rights (UDHR)¹, has been expanded upon and codified into countless international and national-level legal instruments. Unfortunately, this widespread acceptance has not shielded the right from routine violations by both state and private actors. In a recent resolution the Human Rights Council, recalling the United Nations Declaration on the Rights of Indigenous Persons (UNDRIP)², noted the concern expressed by indigenous peoples regarding obstacles and challenges to securing the right to food and called upon states to take special actions to combat their root causes³. Echoing this concern, this statement uses the Reducing Emissions from Deforestation and Forest Degradation (REDD+) Programme⁴ established by United Nations Framework Convention on Climate Change, and the agro-industry, as examples to highlight certain government-sponsored and privately-initiated development projects threatening indigenous communities' right to food.

II. Relevant Legal Standards

The right to food is recognized as an element of the right to an adequate standard of living in the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which is binding on ratifying states and imposes legal obligations to guarantee the effective enforcement of the agreement at the national level⁵. As evidence of its extensive international acceptance, the right to food can be found in Article 6 of the International Covenant on Civil and Political Rights of 1966 (ICCPR)⁶; Article 12 of the Convention on the Elimination of All Forms of Discrimination against Women of 1979 (CEDAW)⁷; Article 24(e) and 27 of the Convention on the Rights of the Child of 1989 (CRC)⁸, and paragraph 19 of the United Nations Millennium Declaration (2000)⁹. Both UNDRIP (2007) and the 1989 ILO Convention No. 169¹⁰ call on states to respect indigenous lands and territories and proclaims the right of Indigenous Peoples to control their natural resources. Unfortunately, privatization or the granting of concessions by governments to commercial enterprise operations such as plantations frequently destroy their traditional food and agro-ecological systems¹¹.

III. Concerns

A. REDD+ Projects Can Threaten the Right to Food

In 2007, Parties to the United Nations Framework Convention on Climate Change (UNFCCC) adopted a decision "Reducing emissions from deforestation in developing countries: approaches to stimulate action," often abbreviated as REDD. Recognizing the contributions of deforestation and forest degradation to greenhouse gas emissions, REDD

¹ *Universal Declaration of Human Rights* (UDHR), UN General Assembly Resolution 217, 10 December 1948.

² United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Resolution Adopted by the General Assembly, 2 October 2007.

³ The right to food, A/HRC/RES/28/10, ¶ 21 (2 April 2015).

⁴ UN-REDD Programme, <http://www.un-redd.org/AboutUNREDDProgramme/tabid/102613/Default.aspx>.

⁵ *International Covenant on Economic, Social, and Cultural Rights* (ICESCR), UN General Assembly Treaty Series, vol. 993, 16 December 1966.

⁶ *International Covenant on Civil and Political Rights* (ICCPR), UN General Assembly Treaty Series, vol. 999, 16 December 1966.

⁷ *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW), UN General Assembly Treaty Series, vol. 1249, 18 December 1979.

⁸ *Convention on the Rights of the Child* (CRC), UN General Assembly Treaty Series, vol. 1577, 20 November 1989.

⁹ *United Nations Millennium Declaration*, Resolution Adopted by the General Assembly, 18 September 2000.

¹⁰ International Labour Organization (ILO). *Indigenous and Tribal Peoples Convention*, C169, 27 June 1989, C169.

¹¹ *Cultural indicators of Indigenous Peoples' food and agro-ecological systems*, Woodley, Ellen, Paper jointly commissioned by FAO and the International Indian Treaty Council, with support from the Government of Norway, and, indirectly, from the Christensen Fund, 2009

seeks to reduce emissions from those sources. Noting the "urgent need to take further meaningful action" to reduce these emissions, the decision expressly "recognize[s] also that the needs of local and indigenous communities should be addressed" when taking this action¹². The UNFCCC COP later expanded REDD to REDD+ to include the role of conservation, sustainable management of forests, and enhancement of forest carbon stocks¹³. REDD+ aims to curb forest CO₂ emissions by isolating large portions and prohibiting development. Dense tropical forests store immense amounts of CO₂ and are therefore ideal for REDD+ projects. Inhabited with indigenous communities, these same forests oftentimes serve as means of housing and nourishment, in addition to acting as a binding social fabric. Forest-dwelling indigenous peoples safeguard approximately 80% of the planet's biodiversity within their traditional territories, yet legally have title to less than 11% of these lands¹⁴. Despite recognition of indigenous peoples' rights in the REDD+ Safeguards¹⁵, REDD+ projects' pressure on indigenous people's right to use and access forest resources can threaten their right to food.

Indonesia, for example, boasts the largest tropical rainforest in all of Asia, and is home to an estimated 50-70 million Indigenous Peoples¹⁶. Though the nation's REDD+ program is more advanced than most other participating countries, major issues remain, including insecure land tenure; lack of adequate stakeholder participation; and the continued exploitation of forest resources. Recognition of indigenous rights and their level of participation will ultimately determine whether REDD+ policies and activities on indigenous territory will be positive or negative¹⁷. Land tenure issues in Indonesia are particularly difficult to resolve, and are exacerbated by the fact that the Indonesian government lacks a formal unifying piece of legislation that recognizes indigenous groups¹⁸. Without such a document, the inclusion of indigenous communities in the REDD+ planning process will be hindered, and they will continue to endure the effects of widespread land tenure insecurity, in turn jeopardizing the right to food of those dependent on their land for food security.

B. Agro-Industrial, Palm Oil Plantation Can Violate The Right to Food

Latin American states are regularly commencing and expanding already-existing palm oil production, sometimes categorized with similar businesses into agro-industrial plantations. For example, Colombia and Guatemala have plans to dramatically increase their palm oil production. Both states are not only members of the treaties and conventions previously mentioned, but Colombia has codified indigenous land rights in its national Constitution¹⁹. Colombia is the fourth largest producer of palm oil in the world²⁰, and the biggest producer in Latin America, with Guatemala following behind. National and international investments in Colombia's rapidly expanding palm oil industry have come at the expense of indigenous rights in various regions, including Mapiripan, Meta, Colombia. A recent report by the Environmental Investigation Agency in collaboration with the Colombian NGO La Comisión Intereclesial de Justicia y Paz has chronicled widespread displacement of indigenous communities from their ancestral lands due to expanding palm oil plantations financed by the Italian-owned company Poligrow. The Jiw and Sikuaní indigenous communities have been deprived of their traditional hunting and fishing lands, violating their human rights²¹, certainly including their right to food. The Jiw report violations of their right to free, prior and informed consultation with Poligrow regarding their traditional lands. Securing the right to food requires that Colombia take certain steps in the recognition of traditional land rights, and secure those indigenous territory rights towards the prevention of additional illicit expansion into indigenous territory, such as the Jiw.

¹² UNFCCC COP Decision 2/CP.13 (2007).

¹³ *Id.*

¹⁴ *Indigenous Peoples*, The World Bank, 2014, <http://www.worldbank.org/en/topic/indigenouspeoples/overview>

¹⁵ UNFCCC, Cancun Agreements (LCA), Decision 1/CP.16, 2010, para. 69; appendix I, para. 2.

¹⁶ *Indigenous Peoples and REDD+: A Critical Perspective*, Osborne, Tracy, PhD., Indigenous Peoples' Biocultural Climate Change Assessment Initiative, 2014.

¹⁷ Note by the Secretariat of the Economic and Social Council to the Permanent Forum on Indigenous Issues, E/C.19/2013/7 (5 February 2013).

¹⁸ *Indigenous Peoples and REDD+* (2014).

¹⁹ Constitución Política de Colombia, [C.P.] art 330 (1991).

²⁰ Colombia, Environmental Investigation Agency, <http://eia-global.org/campaigns/forests-campaign/latin-america/colombia>.

²¹ *Oil Palm Plantations in Colombia Expand into Indigenous Territory*, Environmental Investigation Agency, <http://eia-global.org/news-media/oil-palm-plantations-in-colombia-expand-into-indigenous-territory>.

In Guatemala, agri-businesses promoting palm oil expansion as development and job-creating for rural communities is coming with high costs to the local community's land and food security. The palm industry has transformed land once used for the production of food staples, such as maize, rice and beans, into rows of palm, worsening the country's ongoing hunger crisis, especially for the indigenous communities most reliant on those crops.

IV. Recommendations

A. Regarding REDD+ Projects

Human Rights Advocates (HRA) requests that the Council urge REDD+-participating states to:

- i. Promote constructive dialogue with forest-dwelling communities, and help to address REDD+-implications on the right to food;
- ii. Adhere to the standards and norms set by international human rights instruments on indigenous peoples' rights, in all stages of REDD+ projects implicating the right to food;
- iii. Promote respect and protection of human rights, as reflected in UNFCCC decisions, including the REDD+ safeguards, and their effects on the right to food.

B. Regarding Agro-Industrial Plantations

Human Rights Advocates (HRA) requests that the Council urge States to:

- i. Investigate environmentally-destructive private operations to prevent the expansion of practices that violate the right to food and challenge local land rights, and;
 - ii. Ensure that full legal recognition is given to indigenous communities through policy and land reform initiatives.
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